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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,614	06/01/2001	Daniel R. Weisman	3382-55666	2271

26119 7390 08/08/2005

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COPY

EXAMINER

JAROECHONWANT, BUNJOB

ART UNIT PAPER NUMBER

2143

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

COPY

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 10, 13, 20-22, 1-3, drawn to presentation service, classified in class 709, subclass 203.
 - II. Claims 11, 5-7, drawn to event notification, classified in class 709, subclass 224.
 - III. Claims 4, 8, 12, 14-15, 18-19, 23-26 drawn to protocol conversion, classified in class 709, subclass 230.
 - IV. Claims 16-17 drawn to subscribing/registration system classified in class 709, subclass 223.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I, II, III and IV, are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as enabling application program interface and presentation server module, for receiving-response presentation; invention II has separate utility such as enabling the system to provide event notification signal for notifying peer network device; invention III has separate utility such as conversing service description to an interface definition and compiling into object module; invention IV has separate utility such as for maintaining registration and supplying the registration information of logical device in a network. See MPEP § 806.05(d).
3. Claim 9 links inventions I, II and III. The restriction requirement between the linked inventions is subject to the non-allowance of the linking claim(s), claim 9. Upon the allowance of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn

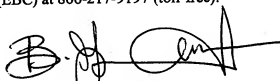
and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. In re Ziegler, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification restriction for examination purposes as indicated is proper.
5. Because these inventions are distinct for the reasons given above and the search required for each of Groups I-IV is not required for each of the other Groups, restriction for examination purposes as indicated is proper.
6. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bunjob Jaroenchonwanit whose telephone number is (571) 272-3913. The examiner can normally be reached on 8:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Bunjob Jaroenchonwanit
Primary Examiner
Art Unit 2143

/bj
11/20/04

Office Action Summary

Application No.

09/872,614

Applicant(s)

WEISMAN ET AL.

Examiner

Bunjob Jaroenchonwanit

Art Unit

2143

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 3,5-13,16,17 and 20-22 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25 and 26 is/are allowed.
- 6) ☒ Claim(s) 1,2,14,15,18,19,23 and 24 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/06)
 Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Election/Restrictions

1. Applicant revised Group III to include claims 1, 2, 4, 5, 8, 9, 12, 14-19 and 23-26 as well as elected Group III, with traversed in the reply filed on 04/20/05 are acknowledged.
2. Therefore, claims 3-4, 6-7, 10-11, 13, 20-22 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim.
3. Although applicant traversed to restriction, but the traverse does not direct to the restriction or pointing out whether the claims should or should not be restricted. Rather, the traverse directed to the claims whether the claims are correctly grouping. In addition, applicant suggested claims should be regrouping; regroup and elected. Applicant's action is considered as election without traverse. Claims 1, 2, 4, 5, 8, 9, 12, 14-19 and 23-26 are pending for examination.
4. Since claim 8 depends on withdrawn claim 6, it is also withdrawn from consideration. With respect to claims 16-17, applicant's argument is not persuasive, because they have separate utilities. Newly restriction are as state below.
5. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1, 2, 4, 14-15, 18-19, 23-26, drawn to presentation service, classified in class 709, subclass 203 and 246
 - II. Claims 5, 9, 12, 16-17 drawn to network devices discovery and registration, which relates to network management or network monitoring classified in class 709, subclass 203, 223-224.

The inventions are distinct, each from the other because of the following reasons:

Art Unit: 2143

6. Inventions I, II, are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In this instance, invention I has separate utility such as enabling application program interface to remotely invoking service in other peer devices, which further requires protocol conversion to enable service calls for heterogeneous devices; invention II has separate utility such as enabling a system to discover devices in a network along with registering device description data. See MPEP § 806.05(d).
7. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification restriction for examination purposes as indicated is proper.
8. Because these inventions are distinct for the reasons given above and the search required for each of Groups I-II is not required for each of the other Groups, restriction for examination purposes as indicated is proper.
9. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
10. Since applicant has received a restriction on the merits for the original presented inventions, these inventions have been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 5, 9, 12, 16-17 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03. therefore, this restriction is made final.

11. Claims 1, 2, 4, 14-15, 18-19 and 23-26, are pending for examination. The rejection is as stated below.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 1 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Shteyn (US. 6,199,136).

14. Regarding claims 1 and 14, In a network of computing devices interoperating via a peer networking protocol, a method of peer networking protocol hosting for a group of logical devices, the method comprising:

in a peer networking host having an implementation of the peer networking protocol, providing an application programming interface for a software program that implements a logical device having a set of device services to obtain peer network protocol hosting of the logical device and its device services from the peer networking host, the software program providing descriptive data of the hosted logical device and its device services to the peer networking host via the application programming interface (Shteyn's teaching includes using convention API for handling between host and device in a peer network, see Col. 1, lines 11-42, Col.1, lines 56-67,

Col.3, lines 8-24, ; Shteyn further teaches the communication required SDD, i.e., descriptive data, see Col.5, lines 35-55);

proxying service control requests per the peer networking protocol from the network directed to the device services of the hosted logical device within the peer networking host, wherein the peer networking host invokes the respective device service responsive to a particular service control request (Col. 2, lines 1-20); and

communicating events sourced from the hosted logical device by the peer networking host to the network in accordance with the peer networking protocol (Col.2, lines 1-20).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 2, 15, 18-19 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shteyn, as applied to claim 1 above, and in view of Mein et al. (US 6,782,542, "Mein", hereafter).

17. Regarding claims 2, 15, 18-19 and 23-24, Shteyn discloses the invention substantially, as claimed, as described, in claim 1, but does not explicitly include, converting the service control requests into an invocation per an object automation protocol. However protocols conversion was not new, it has been a part of network communication long prior to applicant invention was made, for supporting heterogeneous protocol and for enabling various devices communication.

Art Unit: 2143

For instance, in the same field of endeavor, Mien, among other thing, teaches Simple Object Access Protocol for using in the same environment. Mein's teaching includes protocols conversion to object automation protocol, i.e., SOAP, the teaching further includes Proxy for invoking SOAP. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the use of automation protocol, such as SOAP, and conversion device command to the automation protocol with Shteyn because, *inter alia*, it would simplify software design process, be more practical and easy to upgrade software and etc (see Mein background of invention).

Allowable Subject Matter

18. Claims 25-26 are allowed.
19. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bunjob Jaroenchonwanit whose telephone number is (571) 272-3913. The examiner can normally be reached on 8:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2143

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Bunjob Jaroenchonwanit
Primary Examiner
Art Unit 2143

/bj
7/20/05



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NOV 23 2005

OFFICE OF PETITIONS

In re Application of :
Weisman, et al. :
Application No. 09/872,614 : DECISION ACCORDING STATUS
Filed: June 1, 2001 : UNDER 37 CFR 1.47(a)
Attorney Docket No. 3382-55666 :
For: PEER NETWORKING HOST FRAMEWORK:
AND HOSTING API :

This decision is in response to the petition under 37 CFR 1.47(a), filed June 1, 2001.

The petition is granted.

Petitioners have shown that the non-signing inventor, Christopher M. Rude, has constructively refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the declaration/statement of facts of Attorney Stephen A. Wight establishes that the inventor was twice mailed the application papers, including the specification, claims and drawings, but failed to respond to the requests that he sign the enclosed declaration. While Exhibits B and C are missing from the petition, Attorney Wight has stated that no response was received from two mailings. This is sufficient to show Mr. Rude's constructive refusal to join in the filing of the application. Petitioners have submitted a declaration in compliance with 37 CFR 1.63 and 1.64.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the above-identified application will be forwarded Technology Center GAU 2152 for further examination.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

A handwritten signature in black ink, appearing to read "E. Shirene Willis". The signature is fluid and cursive, with the first letter "E" being particularly large and stylized.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions